

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION, a) Case No. 16-cv-1054 (WMW/DTS)
Delaware corporation,)
) **Jury Trial Demanded**
Plaintiff,)
) **Jury Trial Demanded**
v.)
) **Jury Trial Demanded**
FEDERAL INSURANCE COMPANY,)
an Indiana corporation and ACE)
AMERICAN INSURANCE COMPANY,)
a Pennsylvania corporation,)
) **Jury Trial Demanded**
Defendants.)
) **Jury Trial Demanded**

**DECLARATION OF HEATHER KLIEBENSTEIN IN SUPPORT OF PLAINTIFF
FAIR ISAAC CORPORATION’S MOTION FOR SUMMARY JUDGMENT ON
DEFENDANTS’ STATUTE OF LIMITATIONS DEFENSE**

I, Heather Kliebenstein, declare as follows:

1. I am a shareholder with Merchant & Gould P.C., and I am one of the attorneys of record for Plaintiff Fair Isaac Corporation in the above captioned matter.

2. I make this Declaration on my own information, knowledge, and belief in support of Plaintiff Fair Isaac Corporation's Motion for Summary Judgment on Defendants' Statute of Limitations Defense.

3. Attached hereto as Exhibit 1 is a true and correct copy of the Software License and Maintenance Agreement for Blaze Advisor between Fair Isaac Corporation and Chubb & Son.

4. Attached hereto as Exhibit 2 is a true and correct copy of Federal Insurance Company's Sixth Supplemental Answer to Plaintiff's Interrogatory No. 18. This document served as Exhibit 410 to the 30(b)(6) deposition of Kevin Harkin.

5. Attached hereto as Exhibit 3 is a true and correct copy of Federal Insurance Company's Fifth Supplemental Answer to Plaintiff's Interrogatory No. 19. This document served as Exhibit 417 to the 30(b)(6) deposition of Kevin Harkin.

6. Attached hereto as Exhibit 4 is a true and correct copy of Federal Insurance Company's Fifth Supplemental Answer to Plaintiff's Interrogatory No. 20. This document served as Exhibit 415 to the 30(b)(6) deposition of Kevin Harkin.

7. Attached hereto as Exhibit 5 is a true and correct copy of a letter to Allen Hinderaker and Heather Kliebenstein from Christopher Pham dated November 15, 2019. This document served as Exhibit 527 to the 30(b)(6) deposition of Ramesh Pandey.

8. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the 30(b)(6) Deposition of Henry Mirolyuz taken on July 31, 2018. (FILED UNDER SEAL)

9. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the 30(b)(6) Deposition of Ramesh Pandey taken on November 26, 2019. (FILED UNDER SEAL)

10. Attached hereto as Exhibit 8 is a true and correct copy of an email from Henry Mirolyuz to Tony Zhang dated June 7, 2013 regarding Blaze upgrade to 7.1, Bates numbered as FED009153. This document served as Exhibit 12 to the deposition of Henry Mirolyuz. (FILED UNDER SEAL)

11. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the Deposition of Henry Mirolyuz taken on January 11, 2019. (FILED UNDER SEAL)

12. Attached hereto as Exhibit 10 is a true and correct copy of an email between Chubb employees dated September 13, 2012 regarding Minutes – Evolution Weekly Meeting, Bates numbered as FED003425_0001 and an email dated October 5, 2012 regarding Referral Rules Discussion, Bates numbered as FED003436_0001. (FILED UNDER SEAL)

13. Attached hereto as Exhibit 11 is a true and correct copy of an email between Chubb employees dated October 8, 2013 regarding Blaze new version, Bates numbered as FED003510_0001. (FILED UNDER SEAL)

14. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the Deposition of Ramesh Pandey taken on November 13, 2018. (FILED UNDER SEAL)

15. Attached hereto as Exhibit 13 is a true and correct copy of Defendant's Response to Plaintiff's Second Set of Requests for Admission dated January 29, 2018.

16. Attached hereto as Exhibit 14 is a true and correct copy of Federal Insurance Company's Second Supplemental Answers to Plaintiff's Interrogatory Nos. 2, 3, and 4. This document served as Exhibit 147 to the deposition of Ramesh Pandey.

17. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from the 30(b)(6) Deposition of John Taylor taken on August 2, 2018. (FILED UNDER SEAL)

18. Attached hereto as Exhibit 16 is a true and correct copy of an email from Henry Mirolyuz to Tony Zhang dated December 3, 2010 regarding Blaze business rules engine, Bates numbered as FED009045_0001.

19. Attached hereto as Exhibit 17 is a true and correct copy of an email from Tony Zhang to Henry Mirolyuz dated December 6, 2010 regarding Blaze business rules engine, Bates numbered as FED009046_0001. This document served as Exhibit 8 to the deposition of Henry Mirolyuz.

20. Attached hereto as Exhibit 18 is a true and correct copy of an email from John Sarnese to Patrick Sullivan dated September 6, 2013 regarding Blaze Platform Application Usage Matrix, Bates numbered as FED008481_0001. This document served as Exhibit 186 to the deposition of Henry Mirolyuz.

21. Attached hereto as Exhibit 19 is a true and correct copy of an October 5, 2015 meeting notice entitled: CAZ ChEAR application data validation due October 16 – review draft version and an attachment entitled CAZ ChEAR Report 2015.xlsx, Bates numbered as FED006483_0001 and FED006484_0001.

22. Attached hereto as Exhibit 20 is a true and correct copy of the Chubb Arch PLD Project Statement of Work dated December 16, 2014, Bates numbered as FED006837_0001. This document served as Exhibit 16 to the deposition of Henry Mirolyuz. (FILED UNDER SEAL)

23. Attached hereto as Exhibit 21 is a true and correct copy of 2015 email

string between AppCentrica (Chubb Insurance Company of Canada's third-party vendor) and DWS (Chubb Insurance Company of Australia's third-party vendor), which were produced as Bates Nos. FED013809_0001-0003, FED011040_0001-0003 and FED011047_0001-0005. (FILED UNDER SEAL)

24. Attached hereto as Exhibit 22 is a true and correct copy of a January 7, 2016 email communication between Mr. Martin Sill of DWS (Chubb Insurance Company of Australia's third-party vendor) and Ms. Karen Klugg of AppCentrica (Chubb Insurance Company of Canada's third-party vendor), which was produced as Bates No. FED014912_0001.

25. Attached hereto as Exhibit 23 is a true and correct copy of excerpts from the Expert Report of Neil Zoltowski and attached Schedules, served on April 19, 2019. (FILED UNDER SEAL)

26. Attached hereto as Exhibit 24 is a true and correct copy of excerpts from the Deposition of Kevin Harkin taken on March 25, 2019.

I declare under the penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: April 22, 2020

/s/ Heather Kliebenstein
Heather Kliebenstein